

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RITA JOHNSON,)	4:05CV3245
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
ALLMAND BROS., INC.,)	
)	
Defendant.)	

This matter is before the court upon Defendant's motion for dismissal pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim. (Filing 10.)

I will deny the motion, without prejudice to later submission of a properly supported motion for summary judgment.

IT IS ORDERED that the motion to dismiss in filing 10 is denied, without prejudice to later submission of a properly supported claim for summary judgment.

March 3, 2006.

BY THE COURT:

s/Richard G. Kopf
United States District Judge